

COTTONWOOD HEIGHTS

ORDINANCE NO. 131

AN ORDINANCE RE-ZONING APPROXIMATELY 1.62 ACRES OF REAL PROPERTY LOCATED AT APPROXIMATELY 6723, 6753 AND 6761 SOUTH 1300 EAST FROM NC TO MU AND AMENDING THE ZONING MAP (A/K/A CUBES SELF STORAGE ZONE CHANGE)

WHEREAS, the “Municipal Land Use, Development, and Management Act,” UTAH CODE ANN. §10-9a-101 *et seq.*, as amended (the “*Act*”), provides that each municipality may enact a land use ordinance and a zoning map establishing regulations for land use and development; and

WHEREAS, pursuant to the Act, the municipality’s planning commission shall prepare and recommend to the municipality’s legislative body, following a public hearing, a proposed land use ordinance and a zoning map, or amendments thereto, that represents the planning commission’s recommendations for zoning the area within the municipality; and

WHEREAS, the Act also provides certain procedures for the municipality’s legislative body to adopt or amend the land use ordinance and zoning map for the City; and

WHEREAS, on 14 July 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) enacted its Ordinance No. 25 adopting a land use ordinance for the City and codifying such ordinance as Title 19 of the City’s code of ordinances (the “*Code*”); and

WHEREAS, pursuant to its Ordinance No. 25, the Council also adopted a zoning map for the City (the “*Zoning Map*”); and

WHEREAS, on 5 November 2008, the City’s planning commission (the “*Planning Commission*”) held a public hearing on a zone change application submitted by Jim Kane on behalf of Surety Title and Russell Smith requesting the City to re-zone approximately 1.62 acres located at 6723, 6753 and 6761 South 1300 East in the City (the “*Property*”) from NC (Neighborhood Commercial) to MU (Mixed Use), at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed re-zone; and

WHEREAS, such public hearing before the Planning Commission was preceded by all required legal notices; and

WHEREAS, on 19 November 2008, the Planning Commission recommended such proposed re-zone of the Property to the Council for approval; and

WHEREAS, on 30 December 2008, the Council met in regular meeting to consider, among other things, approving such re-zone of the Property as proposed; and

WHEREAS, after careful consideration of the recommendations of the Planning Commission, comments at the public hearing and other public meetings where such proposed re-zone was discussed, and recommendations of City staff, the Council has determined that it is in the

best interest of the health, safety and welfare of the citizens of the City to approve such re-zone of the Property as proposed;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Approval of Re-zone.** The Council hereby re-zones the Property from NC (Neighborhood Commercial) to MU (Mixed Use).

Section 2. **Adoption of Amended Zoning Map.** The Council hereby amends the City's zoning map to reflect the re-zone of the Property effected by this ordinance (this "*Ordinance*"), and hereby adopts the amended zoning map that is attached as an exhibit hereto as the City's current zoning map.

Section 3. **Action of Officers.** All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this Ordinance, whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 4. **Severability.** All parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 5. **Repealer.** All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

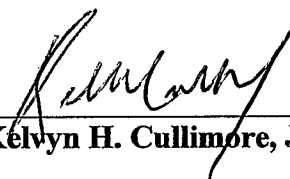
Section 6. **Effective Date.** This Ordinance, assigned no. 131, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City's recorder, or such later date as may be required by Utah statute.

PASSED AND APPROVED this 30th day of December 2008.

COTTONWOOD HEIGHTS CITY COUNCIL




Linda W. Dunlavy, Recorder

By 
Kelvyn H. Cullimore, Jr., Mayor

VOTING:

Kelvyn H. Cullimore, Jr.
Gordon M. Thomas
J. Scott Bracken
Don J. Antczak
Bruce T. Jones

Yea ☒ Nay ☐
Yea ☒ Nay ☐
Yea ☒ Nay ☐
Yea ☒ Nay ☐
Yea ☒ Nay ☐

DEPOSITED in the Recorder's office this 30th day of December 2008.

POSTED this 31 day of December 2008.

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